No. 4—2-4.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

EMIGRATION.

Calcutta, the 20th February 1903.

RESOLUTON.—In the Resolution of this Department No. 2—2-2 published on the 16th January last, the announcement was made that an Act had been passed by the Government of Cape Colony, similar to the "Immigration Restriction Act, 1901" of Australia, the effect of which was practically to exclude altogether from the Colony Indians of the labouring and petty trading classes. This Act came into force on the 30th ultimo.

2. The Government of India have now received from His Majesty's Secretary of State for India a copy of this Act. Its more important provisions are extracted below for general information:—

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2. In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them, that is to say:—

"Ship" shall include any ship, vessel or boat, or description thereof, used in navigation.

"Master" shall include any person other than a pilot in charge or command of any ship.

"Prohibited immigrant" shall mean and include the following persons:—

(*a*) Any person who, when asked to do so by any duly authorized officer, shall be unable through deficient education to himself write out and sign in the characters of any European language, an application to the satisfaction of the Minister.

(*b*) Any person who is not in possession of visible means of support or is likely to become a public charge.

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3. This Act shall not apply to:—

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(*e*) The wife and minor child of any person who is permitted to immigrate into the Colony under the provisions of this Act.

(*f*) Persons domiciled in South Africa.

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4. Subject to the provisions of this Act it shall be unlawful for any "prohibited immigrant" to immigrate either by land or by sea, into this Colony.

5. It shall be unlawful to aid or assist any person to immigrate into this Colony in contravention of the provisions of this Act.

6. It shall be unlawful for the master of any ship knowingly to permit to land or be landed directly or indirectly from his ship any person immigrating into this Colony in contravention of the provisions of this Act.

7. It shall be lawful for the Governor from time to time by proclamation to make regulations * * * to provide for the importation, reception, accommodation, maintenance, registration, distribution, and contractual engagements of persons immigrating under any approved scheme or belonging to any excepted class, and generally, in furtherance of the objects and intents of this Act.

8. Any person immigrating into this Colony by land or sea in violation of the provisions of this Act, shall be liable to be removed at any time, from within the limits of the Colony and to be kept in such custody as may by regulation be prescribed pending such removal.

9. Any person who aids or assists any person in the contravention of any provisions of this Act, shall be liable for each offence to a penalty of £50, or in the alternative to three months' imprisonment with or without hard labour.

10. Any master of any ship who lands or allows to land, directly or indirectly, any immigrant from his ship, whereby such immigrant contravenes any provisions of the Act, and the owners of any such ship from which any such immigrant so lands, shall be jointly and severally liable to a penalty of £100, and to a further penalty of £20 for each such immigrant landed in excess of the number of five, such ship may be refused a clearance till such penalty has been paid and may in default of payment by or on behalf of the master or owners and by order of the Supreme Court be attached and declared executable in satisfaction of any writ issued for the recovery of such penalty; provided that in lieu of granting such order, it shall be lawful for the Court to accept such security for the payment of such penalty as may appear to be adequate.

11. Any person wilfully making any false statement in order to obtain any certificate or recommendation for the purposes of the Act shall on conviction be liable to a fine of not exceeding £50, or to imprisonment without the option of a fine and with or without hard labour for a period not exceeding six months in addition to removal from the Colony.

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13. It shall be lawful for the Governor to prescribe penalties for the contravention of any regulation made by him under this Act, provided that no penalty in respect of any one contravention shall exceed a fine of £100, or, in default of payment thereof, imprisonment with or without hard labour for a period exceeding 12 months, or to imprisonment with or without hard labour and without the option of a fine for a period exceeding 12 months.

14. This Act may be cited as "The Immigration Act, 1902."

The Secretary to the Government of Madras.
" " " " Bombay.
" " " " Bengal.
" " " " the United Provinces.
" " " " the Punjab.
" " " " Burma.
" Honourable the Chief Commissioner, Central Provinces.
" " " " Assam.
" Chief Commissioner, Coorg.
" " " Ajmer-Merwara.
" Honourable the Resident at Hyderabad.
" " the Chief Commissioner, North-West Frontier Province.
" " the Agent to the Governor General, Baluchistan.

ORDERED, that a copy of the above Resolution be forwarded to the Local Governments and Administrations noted in the margin for information and guidance, and to the Home and Foreign Departments for information.

ORDERED also, that a copy be published in the *Gazette of India* for general information.

J. O. MILLER,
Secretary to the Government of India.